

MICHELLE D.SPENCER, CBN 164696
Law Office of Michelle D. Spencer
55 River Street, Suite 100
Santa Cruz, CA 95060
Tel: 831.458.0502
Fax: 831.426.0159

Attorney for Ignacio Galvan-Benavides

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

IGNACIO GALVAN-BENAVIDES,
Defendant.

) Case No. CR 08-00627-JW
)
)
)
) STIPULATION AND (PROPOSED)
) ORDER CONTINUING STATUS
) CONFERENCE AND EXCLUDING TIME
) UNDER SPEEDY TRIAL ACT
) 18 USC § 3161
)

Plaintiff United States of America, by and through Assistant United States Attorney, Daniel Kaleba, and defendant Ignacio Galvan-Benavides, by and through his attorney Michelle D. Spencer, hereby agree and stipulate that this matter be continued from December 15, 2008 at 1:30 p.m. to February 2, 2009 at 1:30 p.m.

Counsel are awaiting the arrival of information regarding a prior drug-related felony conviction in order to better evaluate a proposed plea agreement. Accordingly, the parties agree and stipulate that the period of time from December 15, 2008 through and including February 2, 2009 shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

1 The parties agree that a continuance is needed for continuity of counsel and effective
2 preparation.

3
4 JOSEPH P. RUSSONIELLO

5 United States Attorney

6 Date: December 10, 2008

7 /s/
DANIEL KALEBA
8 Assistant United States Attorney

9 Date: December 10, 2008

10 /s/
MICHELLE D. SPENCER
11 Attorney for Ignacio Galvan Benavides

12
13  [PROPOSED] ORDER

14 Based upon the foregoing Stipulation, and good cause appearing therefor,

15 IT IS HEREBY ORDERED THAT the status conference set for December 15, 2008 shall be
16 continued to February 2, 2009 at 1:30 p.m.

17 IT IS FURTHER ORDERED that the period of time from December 15, 2008 through and
18 including February 2, 2009 shall be excluded from the period of time within which trial must
19 commence under the Speedy Trial Act, 18 U.S.C. 3161 et seq. Based upon the statutory provision
20 therein, including that time is needed for continuity of counsel and effective preparation. The Court
21 finds pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set
22 forth therein, that the interests of justice in granting this continuance outweigh the defendant's and
23 public's interests in a speedy trial inasmuch as the parties need additional time for continuity of
24 counsel and effective preparation.

25 ///

26 //

ORDER (continued from page 4)

1 IT IS SO ORDERED.

2 The Court approves the parties' stipulation for continuance and exclusion of time from
3 December 15, 2008 through February 2, 2009.

4 Date: Dec. 11, 2008


HON. JAMES WARE
United States District Judge